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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,809	01/09/2002	Bruce Michael Cassidy	SJO920010074US1 501.396US	5058

7590 03/21/2005

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EXAMINER

VU, TRISHA U

ART UNIT	PAPER NUMBER
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2112

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 10/042,809	Applicant(s) CASSIDY, BRUCE MICHAEL	
	Examiner Trisha Vu	Art Unit 2112	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

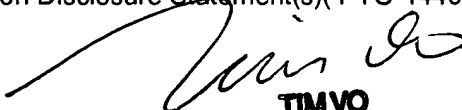
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 36-55

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


TIM VO
PRIMARY EXAMINER


Trisha Vu
Examiner
Art Unit: 2112

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's argument "Burkhardt, Jr. et al. fail to suggest a read controller that determines when a host command has been provided to a host memory and asynchronously retrieves the host command directly from a host memory via direct memory access" (page 3 of the Remarks) is not persuasive. Note at least col. 12 lines 56-68 wherein the read controller (service agent 121) determines when a host command has been provided to a host memory (111) and asynchronously retrieves the host command directly from the host memory via direct memory access (service agent 121 receives host commands directly from memory 111). The features upon which applicant relies (i.e., "the difference by using an interrupt scheme which places a burden on the processors") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also, "signaling a successful command transfer from the host memory" is done by erasing the addressee field 140 of the mailbox, the client agent then determines if its mailbox 123 contains a cleared addressee field (col. 13 lines 45-68). Therefore, by erasing the addressee field, the service agent signals a successful command transfer from the host memory. In the office action, Examiner clearly provided reasoning why Peterson et al., Sue et al. are combined to Burkhardt, Jr. et al. because these references teach limitations lack from Burkhardt and they all suggested to combine the lack limitations in order to improve the Burkhardt's system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine these references.